

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SAMANTINA ZENON,

Plaintiff,

- against -

GOOGLE, INC. and RECKON MEDIA LLC,

Defendants.

23 Civ. 10352 (LLS)

ORDER

On November 27, 2023, defendant Google, Inc.<sup>1</sup> ("Google") removed the present action from the Civil Court of New York City, to this Court, arguing that diversity jurisdiction exists because the parties are diverse and the amount of controversy exceeds \$75,000. (Dkt. No. 1). Plaintiff Samantina Zenon did not request a specific amount of damages in the Complaint but did request compensatory and punitive damages, injunctive relief, plus interest, costs disbursements, and attorney's fees from Google. Id. Based on those requests, Google argued that "there is a reasonable probability that the amount in controversy exceeds \$75,000." Id. Zenon filed a Motion to remand the case, arguing that her damages could not exceed \$75,000. (Dkt. No. 6).

The parties have now stipulated that Zenon will not seek

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<sup>1</sup> Defendant states that Google's current name is Google LLC, not Google Inc.

more than \$75,000 in damages and Google will not oppose Zenon's Motion to Remand. (Dkt. No. 9).

"'[F]ederal courts permit individual plaintiffs, who are the masters of their complaints, to avoid removal to federal court, and to obtain a remand to state court, by stipulating to amounts at issue that fall below the federal jurisdictional requirement,' so long as the stipulation is 'legally binding on all plaintiffs.'" Ma v. United Rentals (N. Am.), Inc., 2023 WL 4102684, at \*2 (S.D.N.Y. June 21, 2023) (quoting Standard Fire Ins. Co. v. Knowles, 568 U.S. 588, 595-96 (2013)) (alteration in the original). However, the Second Circuit has made "clear that a plaintiff cannot seek to deprive a federal court of jurisdiction by reducing her demand to \$75,000 or less once the jurisdictional threshold has been satisfied." Yong Qin Luo v. Mikel, 625 F.3d 772, 776 (2d Cir. 2010).

As there has been no clear showing that the amount in controversy will exceed \$75,000 and this Court has not yet assumed jurisdiction over the case, the Motion to Remand is granted.

So ordered.

Dated: New York, New York  
December 14, 2023

Louis L. Stanton  
LOUIS L. STANTON  
U.S.D.J.